

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2000 General Assembly.

HOUSE ENROLLED ACT No. 1233

AN ACT to amend the Indiana Code concerning natural and cultural resources.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 14-15-2-6, AS AMENDED BY P.L.38-2000, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. (a) This section does not apply to the following:

- (1) A sailboard or windsurfing board.
- (2) A manually propelled boat, such as a racing shell, rowing scull, or racing kayak:
 - (A) that is recognized by national or international racing associations for use in competitive racing;
 - (B) in which all occupants row, scull, or paddle, with the exception of a coxswain if a coxswain is provided; and
 - (C) that is designed to carry and carries equipment only for competitive racing.

(b) All boats must be equipped with the number and type of personal flotation devices listed in this subsection. A person may not operate a boat unless the boat contains:

- (1) for each person on board, one (1) personal flotation device that meets the requirements for designation by the United States Coast Guard as a Type I, Type II, ~~or~~ Type III, **or Type V** personal flotation device; and
- (2) for a boat, **except a canoe or kayak**, at least sixteen (16) feet in length and in addition to the requirements of subdivision (1),

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one (1) personal flotation device that meets the requirements for designation by the United States Coast Guard as a Type IV personal flotation device.

(c) The director may waive the requirements of this section for a boat during competition in a boat race for which a permit has been issued by the department if the following conditions are met:

(1) The sponsor of the boat race has informed the director of the precautions the sponsor will take to minimize the safety hazards that exist due to noncompliance with the requirements of this section.

(2) The sponsor files with the director a document under which the sponsor assumes all liability that may result from the use of a boat under the waiver.

SECTION 2. IC 14-15-12-8, AS AMENDED BY P.L.38-2000, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. A person shall not operate a personal watercraft on public waters unless every individual:

- (1) operating;
- (2) riding on; or
- (3) being towed by;

the personal watercraft is wearing a personal flotation device that meets the requirements for designation by the United States Coast Guard as a Type I, ~~or~~ Type II, **Type III, or Type V** personal ~~floatation~~ **flotation** device, if applicable.

SECTION 3. IC 14-26-2-22 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 22. (a) In addition to other penalties prescribed by this chapter or IC 13-2-11.1 (before its repeal), the director may impose a civil penalty under IC 4-21.5, not to exceed one thousand dollars (\$1,000), on a person who violates any of the following:

- (1) Section 6, 7, 8, 9, 10, 11, 12, 13, ~~or~~ 18, **or 23** of this chapter.
- (2) A rule relating to section 6, 7, 8, 9, 10, 11, 12, 13, ~~or~~ 18, **or 23** of this chapter.
- (3) A permit under this chapter.

(b) Each day a violation continues after a civil penalty is imposed under subsection (a) constitutes a separate violation.

(c) Civil penalties imposed under this section shall be deposited in the state general fund.

SECTION 4. **An emergency is declared for this act.**

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Speaker of the House of Representatives

President of the Senate

President Pro Tempore

Approved: _____

Governor of the State of Indiana

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